THE HON'BLE MR JUSTICE J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE D. APPA RAO

WRIT PETITION No: 13834 of 2006

Dated: 07.07.2006

Between:

E.V.V.N. Satyanarayana

..... PETITIONER

AND

The Deputy Transport Commissioner &
Secretary, Regional Transport Authority,
Vijayawada, Krishna District & another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE J.CHELAMESWAR
AND
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ORDER:- (PER THE HONOURABLE JC,J)

The petitioner is the owner of the vehicle bearing No.AP 16 W 7879, which is registered as a contract carriage on the rolls of the 1st respondent. On 22.06.2006, the vehicle was stopped and checked by the 2nd respondent and the same was seized under a check report wherein the reasons for seizure is stated as follows:

> "Stopped and checked the above vehicle while proceeding to Hyderabad from Rajahmundry with 35 individual passengers by collecting individual fares from each passenger and traveling on different purposes. There is no implied or express contract in between them and driver or anybody eye. The vehicle is passing from Rajahmundry to Hyderabad and covering more three districts. Hence attracts higher rate of tax. (2) Permit not produced. Hence seized under Section 207 of M.V. Act and kept at Nagole Driving yard. Above vehicle while proceeding from Bheemal to Kammarapalli and found the following."

Hence, the present writ petition with a prayer as follows:

> "..... Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the seizure and continued detention of petitioner's contract carriage bus bearing R.No.AP 16 W 7879 seized under vehicle check report No.0734642, dated 22.06.2006 by the 2nd respondent as arbitrary, illegal, unjust, unconstitutional and without jurisdiction and consequently direct the respondents to forthwith release the petitioner's vehicle contract carriage bus bearing R.No.AP 16 W 7879, to the petitioner and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

Heard the learned Government Pleader.

In the circumstances, we deem it appropriate to dispose of the writ petition at the admission stage directing the respondents to release the abovementioned vehicle on condition the petitioner pays the tax due to be determined by the 1st respondent. This is without prejudice to the authorities of the respondents to take any further appropriate action consequent upon the enquiry to be conducted pursuant to the seizure.

Accordingly, the writ petition is disposed of. No order as to costs.

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J.CHELAMESWAR, J

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D. APPA RAO, J

Date: 07.0.2006

Note:- Issue operative portion by wire
at party's costs.
(B/o)
ES